

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	
)	Criminal No. 4:06-cr-133-JEG-CFB
Plaintiff,)	
)	
v.)	
)	DEFENDANT’S MOTION FOR
DUSTIN LOFTUS,)	EARLY TERMINATION OF
)	SUPERVISED RELEASE
Defendant.)	

COMES NOW counsel for the defendant, Dustin Loftus, pursuant to 18 U.S.C. § 3583(e)(1), and states to the court:

1. Mr. Loftus was sentenced in the United States District Court for the Southern District of Iowa, by the Honorable James E. Gritzner, on June 27, 2006, to 120 months imprisonment, following his plea of guilty to one count of conspiracy to distribute methamphetamine, in violation of 18 U.S.C. §§ 841(b)(1)(A) and 846. Mr. Loftus was also ordered to serve a five year term of supervised release.

2. Mr. Loftus has been on supervised release since May 5, 2014. As of Saturday, May 5, 2018, he has completed 80% of his term of supervision. Mr. Loftus previously moved for early termination of his supervision on June 9, 2016 (Clerk’s No. 30) and March 21, 2017 (Clerk’s No. 32). The court denied both motions “[p]ursuant to the report submitted by [the] U.S. Probation Officer.”¹ Clerk’s Nos. 31, 34. Mr. Loftus incorporates herein by reference the legal and policy considerations supporting early termination that were discussed in his prior motions.

¹ Counsel does not have access to the U.S. Probation reports filed in relation to Mr. Loftus’s prior motions. It is presumed, however, that the Probation Officer resisted Mr. Loftus’s motions because, in both instances, he had not yet completed two-thirds of his term of supervision.

3. While incarcerated in the Bureau of Prisons, Mr. Loftus had only a single disciplinary infraction, which occurred within the first few years of his imprisonment. Other than that isolated occurrence, Mr. Loftus was a model inmate. He served his first two years of incarceration at USP Leavenworth and the next year of his incarceration at FCI Oxford. In both institutions, he was employed as “lead electrician.” Upon his transfer to FCI Elkton, where he served the remainder of his incarceration, he worked as a unit orderly.

4. Mr. Loftus successfully completed the RDAP program and an anger management course while in the custody of the Bureau of Prisons. While in RDAP, he was appointed head of the “Big Brothers Committee,” a program wherein more experienced participants in the program mentor newer participants. At the conclusion of the RDAP program, Mr. Loftus was honored to receive the designation of “Most Outstanding” participant.

5. Since commencing supervised release in May 2014, Mr. Loftus has been fully compliant with all terms of his supervision. He has had no modifications or revocations.

6. Mr. Loftus is an experienced electrician. He is a member of the International Brotherhood of Electrical Workers, Local 347, and has been employed by Innovative Mechanical Services in Ankeny, Iowa for approximately four years. Mr. Loftus’s employer is pleased with his work and Mr. Loftus has no concerns about maintaining continued employment.

7. Mr. Loftus has had no concerns with his sobriety since his release from BOP custody. He has not required formal drug treatment since commencing supervision. When Mr. Loftus first began supervision, he was required to provide urine samples twice per month. For the last approximately two years, he has only been required to provide samples once per month. He has never missed a test, and has never had a sample test positive for drug use.

8. Mr. Loftus currently owns a home in Altoona, Iowa, where he lives with his wife,

Richele, and their nearly three year old son. The family has purchased a new home in Indianola, Iowa, and will move to that location on June 1, 2018. Mr. Loftus is an engaged and devoted husband and father. He has volunteered as a Little League coach for his son's t-ball team, and looks forward to continuing this type of volunteer work in the future.

9. Mr. Loftus is at extremely low risk to recidivate. At sentencing, he was a criminal history category I, with zero criminal history points. His incarceration was an eye-opening experience that he hopes never to repeat. His excellent performance on supervised release for the last four years demonstrates his dedication to this goal. As well, Mr. Loftus has an extensive social support system, including his wife, son, in-laws, and numerous other relatives and friends. He has made a point of surrounding himself with law-abiding, hard-working people who fully support and encourage his continued sobriety and positive lifestyle.

10. Mr. Loftus is currently supervised by United States Probation Officer Zachary Wilson. Mr. Wilson declined to comment on whether he would support or oppose the present motion, preferring to wait until the motion is actually filed with the Court.

11 Based on the above, Mr. Loftus appears to have received the maximum possible benefit from his period of supervised release.

WHEREFORE, for the reasons stated herein, defendant Dustin Loftus, respectfully requests that the Court terminate his term of supervised release.

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2018, I electronically filed this document with the Clerk of Court using the ECF system which will serve it on the appropriate parties.

/s/ Melinda Gwynn